

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8362 OF 2007

Shri Shankar Narayandas Udupi ...Petitioners

Versus

Shri Namdeo Raghunath Shinde

and anr. Respondents

Vijay Killedar for the petitioners.

CORAM: S.C.DHARMADHIKARI, J.

23.11.2007

P.C. :

1. Heard Mr.Killedar at length.

2. Perused the order passed by the executing court permitting Namdeo Raghunath Shinde to be impleaded as decree holder in substitution of the original plaintiff. In my view, once the executing court had before it the assignment in writing then considering the provisions of Order 21 Rule 16 of the Code of Civil Procedure, the objection raised by the present petitioner judgment debtor to the impleadment and substitution has been rightly disallowed. In such circumstances, the order requires no interference.

3. However, to enable the judgment debtor to take appropriate steps the warrant of possession even if issued shall not be executed for a period of 15 days from the date of issuance. Petition dismissed.

:2:
